

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

VS.

CIVIL ACTION NO. 5:01cr17DCBJCS

JAMES ROBINSON

DEFENDANT

MEMORANDUM OPINION AND ORDER

This cause is before the Court on the defendant's Motion for Reconsideration [**docket entry no. 42**]. Having carefully considered the motion and the applicable law, the Court finds as follows:

The defendant, James Robinson, pled guilty to one count of mail fraud and was sentenced to twenty-six months in a federal penitentiary on December 2, 2002. Robinson's sentence was to run consecutively to the sentence he was serving at that time pursuant to a state conviction.

Prior to his sentencing hearing, Robinson was in the custody of the United States Marshals Service pursuant to a Writ of Habeas Corpus *Ad Prosequendum*¹ during the following dates: August 30, 2001 to October 22, 2001, January 1, 2002 to April 9, 2002, and August 2, 2002 to May 5, 2003. Robinson filed a motion seeking to have the aforementioned time credited to his federal prison sentence on November 4, 2004. That motion was not well-taken and was denied by the Court on July 13, 2005 [docket entry no. 40] because the time

¹Such a writ was necessary because Robinson was imprisoned at the Wilkinson County Corrections Facility in Woodville, Mississippi at the time of his arrest.

a prisoner spends in federal custody pursuant to a Writ of Habeas Corpus *Ad Prosequendum* is not considered under 18 U.S.C. section 3585(b). See Thomas v. Whalen, 962 F.2d 358, 361 n.2 (4th Cir. 1992).

Robinson filed the instant Motion for Reconsideration on September 12, 2005. In that Motion, the defendant fails to offer any law which would alter the Court's previous holding that Robinson is not entitled to any credit for the time he was "on loan" from the State of Mississippi. Accordingly,

IT IS HEREBY ORDERED that James Robinson's Motion for Reconsideration [**docket entry 42**] is **DENIED**.

SO ORDERED, the 7th day of February, 2006.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE